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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,986	07/25/2003	Timothy C. Ostwald	99-043-TAZ	4151

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EXAMINER

EVANS, JEFFERSON A

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/626,986

Applicant(s)

OSTWALD ET AL.

Examiner

Jefferson A. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 14, and 16-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Claims 1, 14, and 16-24 are pending.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Noguchi (U.S. 5,184,261). Noguchi discloses a storage library (figure 12) for recording and retrieving information from a plurality of storage media cartridges (1), wherein each storage media cartridge has a label side in the form of barcodes (14), the storage library comprising: a housing having left, right, front, and back sides, left (4) and right (5) plurality of slots disposed proximate the left and right sides of the housing for holding the plurality of storage media cartridges; at least one media drive (7) disposed proximate the back side of the housing, the at least one media drive being operative to receive a storage media cartridge through a port; and a robotic mechanism (6) disposed between the left and right plurality of slots, the robotic mechanism being operative to move the plurality of storage media cartridges between the plurality of slots and the at least one media drive. Noguchi states the robot may move in two dimensions (column 3 – line 33) and even if the second dimension is vertically this will meet the claim language as the claim language does not actually establish that the 2<sup>nd</sup> linear picker

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moves parallel to the back side of the housing between the left and right slots. The robot of Noguchi picks up the cartridges from the slots so it can be considered a picker.

3. Claim 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al (U.S. 5,293,284). Sato discloses a storage library (figures 1 and 2) for recording and retrieving information from a plurality of storage media cartridges (15), the storage library comprising: a housing having left, right, front, and back sides, left (13) and right (12) plurality of slots disposed proximate the left and right sides of the housing for holding the plurality of storage media cartridges; plural media drives (18) disposed proximate the back side of the housing, the at least one media drive being operative to receive a storage media cartridge through a port; and a robotic mechanism disposed between the left and right plurality of slots, the robotic mechanism being operative to move the plurality of storage media cartridges between the plurality of slots and the at least one media drive and including a picker assembly (20), a first linear carriage (23), and a rotational carriage (43).

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***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17 to 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi (U.S. 5,184,261) in view of Luffel et al (U.S. 6,222,699).

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Noguchi does not disclose his storage library having a front side opening such that the left and right plurality of slots and the plurality of storage media cartridges are oriented so that each label side of the plurality of storage media cartridges is visible to an operator through the opening, and wherein each of the left and right plurality of slots are accessible to the operator via the opening for the operator to access the storage media cartridges being held by the left and right plurality of slots.

Luffel discloses a storage library having a front opening (254) to allow an operator to view and access left and right cartridge slots (figure 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the storage library of Noguchi with a front opening to allow an operator to view and access left and right cartridge slots. The motivation would have been: as evidenced by Luffel, it was known to provide such a door to a storage library to allow an operator to access the interior of the storage library and perform such positive functions as changing out cartridges or replacing/repairing malfunctioning elements of the storage library.

6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al in view of Luffel et al.

Sato does not disclose his storage library having a front side opening such that the left and right plurality of slots and the plurality of storage media cartridges are oriented so that each label side of the plurality of storage media cartridges is visible to an operator through the opening, and wherein each of the left and right plurality of slots

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are accessible to the operator via the opening for the operator to access the storage media cartridges being held by the left and right plurality of slots.

Luffel discloses a storage library having a front opening (254) to allow an operator to view and access left and right cartridge slots (figure 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the storage library of Sato with a front opening to allow an operator to view and access left and right cartridge slots. The motivation would have been: as evidenced by Luffel, it was known to provide such a door to a storage library to allow an operator to access the interior of the storage library and perform such positive functions as changing out cartridges or replacing/repairing malfunctioning elements of the storage library.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferson A. Evans whose telephone number is 571-272-7574. The examiner can normally be reached on Monday to Friday, 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JAE

June 26, 2005

Jefferson A. Evans  
Primary Examiner  
Art Unit 2652

**JEFFERSON EVANS  
PRIMARY EXAMINER**